

PETITION FOR ZONING VARIANCE 85-72-SPHA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 500.7 of the Baltimore County Zoning Regulations, to determine whether the proposed use of the property is a permitted use under the regulations. The proposed use is for building #1724 and from Section 256.3, if applicable, to permit a rear yard of 30 feet for building #1716, a rear yard of 39 feet for building #1718, a rear yard of 36 feet for building #1722 and a rear yard of 34 feet and 28 feet for building #1724 instead of required 40 feet for each of said buildings respectively.

shape and size of property; close proximity to flood plain; near Beltway and other industrial buildings; other practical hardships and unreasonable difficulties to be presented at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: CHARLES B. HEYMAN
(Type or Print Name)
Signature _____
10th Floor - Sun Life Building
Address _____
Baltimore, Maryland - 21208
City and State _____
Attorney's Telephone No.: (301) 539-6967
Address _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of August, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of September, 1984, at 10:45 o'clock A.M.

(over)

for building #1724 and from Section 256.3, if applicable, to permit a rear yard of 30 feet for building #1716, a rear yard of 39 feet for building #1718, a rear yard of 36 feet for building #1722 and a rear yard of 34 feet and 28 feet for building #1724 instead of required 40 feet for each of said buildings respectively.

PETITION FOR SPECIAL HEARING 85-72-SPHA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether the proposed use of the property is a permitted use under the regulations. The proposed use is for building #1724 and from Section 256.3, if applicable, to permit a rear yard of 30 feet for building #1716, a rear yard of 39 feet for building #1718, a rear yard of 36 feet for building #1722 and a rear yard of 34 feet and 28 feet for building #1724 instead of required 40 feet for each of said buildings respectively.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: CHARLES B. HEYMAN
(Type or Print Name)
Signature _____
10th Floor - Sun Life Building
Address _____
Baltimore, Maryland - 21201
City and State _____
Attorney's Telephone No.: (301) 539-6967
Address _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of August, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of September, 1984, at 10:45 o'clock A.M.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: September 5, 1984
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Security Mini Storage
No. 85-72-SPHA

The buildings are labeled as existing. The approved plan (#C-889-80) showed landscaping but was never provided on the site. This office is of the opinion that the petition should not be granted until or unless the landscaping is in place and the details of landscaping are submitted to and approved by the Division of Current Planning and Development.

NEG/JGH/sf

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 15th day of August, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Security Mini Storage
Petitioner's Attorney: Charles B. Heyman
Received by: Nicholas B. Connodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 14, 1984

Charles B. Heyman, Esquire
10th Floor - Sun Life Building
Baltimore, Maryland 21201

RE: Case No. 85-72-SPHA (Item No. 210)
Petitioner - Security Mini Storage
Special Hearing and Variance Petition

Dear Mr. Heyman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Connodari

NICHOLAS B. CONNODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

March 28, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #210 (1983-1984)
Property Owner: Security Mini Storage
W/S Belmont Ave., 1080' N. from centerline
Gordon Ave.
Acres: 467.17/58.34 X 437.56/483.85
District: 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist and are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 210 (1983-1984).

Very truly yours,
Robert A. Morton, P.E., Chief
Bureau of Public Services

RAM:EM:FWR:ss

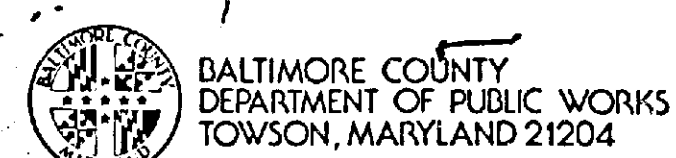
L-SE Key Sheet
7 & 8 NW 25 Pos. Sheets
NW 2 C Topo
87 & 94 Tax Maps

JAN 28 1985

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to per mit

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:



HARRY J. PISTEL, P.E.
DIRECTOR

September 16, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #51 (1983-1984)
Property Owner: Angelo Annabile
173' N/W from W/S Belmont Ave. 1080' S. from
centerline Gordon Ave.
Acres: 30 X 141.33 District: 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

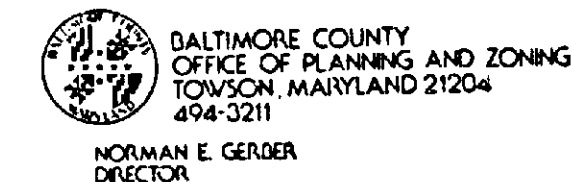
Baltimore County highway and utility improvements exist and are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 51 (1983-1984).

Very truly yours,
(SIGNED) ROBERT A. MORTON
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EWV:FWR:SS

L-SE Key Sheet
7 & 8 NW 25 Pos. Sheets
NW 2 G Topo
87 & 94 Tax Maps



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 2-14-84
Item #210
Property Owner: Security Mini Storage
Location: W/S Belmont Ave., N. of Gordon Ave.

Dear Mr. Jablon:

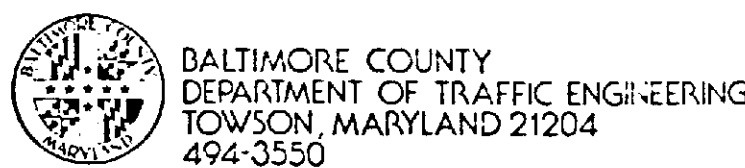
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

Landscaping must be provided along Belmont Ave. The original plan showed canopy structures between buildings. Canopy were never constructed. Landscaping was shown on approved plan - Permit # C-559-80, but was never given for on site.

Eugene A. Bober
Eugene A. Bober
Chief, Current Planning and Development

cc: James Roswell



STEPHEN E. COLLINS
DIRECTOR

March 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

ZAC- Meeting of February 14, 1984

Item No. 203, 204, 205, 206, 207, 209, 210, 211, 212, 213, and 214.
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 203, 204, 205, 206, 207, 209, 210, 211, 212, 213, and 214.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning Date: March 26, 1984
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Meeting - February 14, 1984

- Item #203 - Leroy Y. Halle, Jr., et al
- Item #205 - Margaret R. Sudek
- Item #205 - Edward Wos, et ux
- Item #207 - Anne Mysola
- Item #208 - Joseph F. Ambrose, Sr.
- Item #209 - Abell Communications
- Item #210 - Security Mini Storage
- Item #211 - Charles E. Gelbard, et ux
- Item #213 - Charles Walters

Meeting - February 21, 1984

- Item #215 - Anthony J. Moken, et ux
- Item #219 - Dale T. Volz
- Item #220 - Estate of Helen A. Singer

Meeting - March 6, 1984

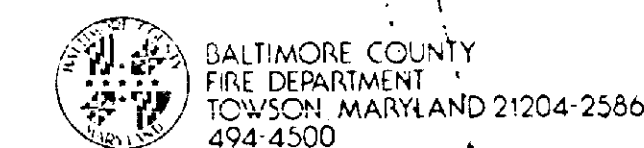
- Item #227 - James J. Ward, III

Meeting - March 20, 1984

- Item #230 - James Forbes, et ux
- Item #232 - David J. Elevins, et ux

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/ftb



PAUL H. REINCKE
CHIEF

March 2, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Security Mini Storage

Location: W/S Belmont Avenue 1080' N. from c/l Gordon Avenue

Item No.: 210 Zoning Agenda: 2/14/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

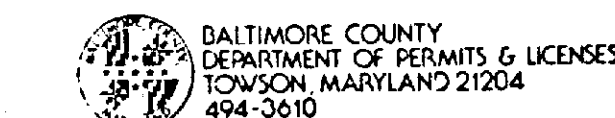
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



TED ZALESKI, JR.
DIRECTOR

March 1, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #210 Zoning Advisory Committee Meeting are as follows:

Property Owner: Security Mini Storage
Location: W/S Belmont Avenue 1080' N. from c/l Gordon Avenue
Existing Zoning: M-1A
Proposed Zoning: Special hearing for interpretation of the proper applicability of Sections 101.2, 250, 321, and 322 when more than one mini warehouse building is located on one parcel in an M-1A Zone.

Acres: 467.17/58.34 x 437.56/483.85
District: 1st.

The items checked below are applicable:

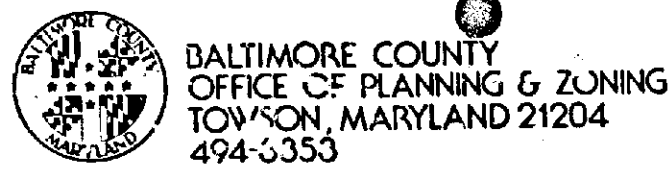
- (X) A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill: 4-82 State of Maryland Code for the Handicapped and Age, and other applicable Code.
- B. A building/_____ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial use or 3'0" for One & Two Family use group, of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 1407 and Table 1402, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/_____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (X) I. Comments - A complete analysis of construction types setbacks for fire separations, and area should be provided this office by a registered architect or engineer with Maryland Registration before any changes to structures, uses or locations be permitted.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
[Signature]
Charles E. Burman, Chief
Plans Review

CEB:es

JAN 28 1985



ARNOLD JABLON
ZONING COMMISSIONER

September 11, 1984

Charles B. Heyman, Esquire
10th Floor Sun Life Building
Baltimore, Maryland 21201

Re: Petition for Special Hearing and Variances
W/S Belmont Ave., 1,080' S of the c/l of Gordon Avenue
Security Mini Storage - Petitioner
Case No. 85-72-SPHA

Dear Mr. Heyman:

This is to advise you that \$86.30 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

No. 134338

ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/17/84 ACCOUNT 7-01-615-000

AMOUNT \$86.30

RECEIVED FROM Security Mini Storage

FOR Posting and Advertising for Case No. 85-72-SPHA

0 024*****86301a 5174f

VALIDATION OR SIGNATURE OF CASHIER

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-9080

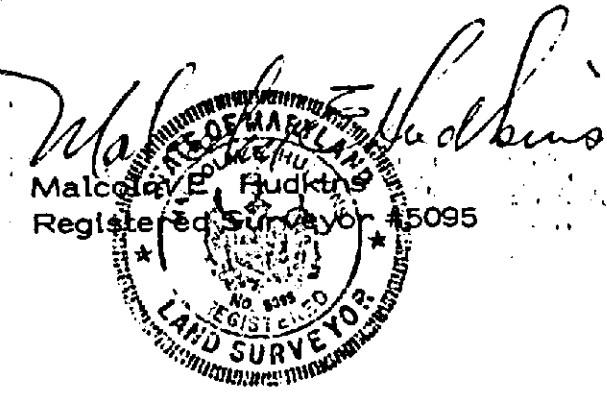
TOWSON OFFICE
HUDYINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELLE BUILDING
TOWSON, MARYLAND 21204
PHONE 828-0060

BEL AIR OFFICE
L. G. WOLFF
Landscape Architect
PHONE 839-0888

October 17, 1983

DESCRIPTION FOR ZONING VARIANCE:

Beginning for the same at a point on the west side of Belmont Avenue
(60 feet wide) distant 1080 feet from the center of Gordon Avenue said point
having coordinates N 6600.87 and W 36,850.28 thence being all of lot 2 as
shown on the plat entitled "Belmont Avenue Warehouses" recorded in
Plat Book 47 folio 108.



PETITION FOR SPECIAL HEARING AND VARIANCES

1st Election District

ZONING: Petition for Special Hearing and Variances
LOCATION: West side Belmont Avenue, 1,080 ft. South of the
centerline of Gordon Avenue
DATE & TIME: Monday, September 17, 1984 at 10:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning
Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore
County Zoning Regulations, to determine whether or not the Zoning
Commissioner and/or Deputy Zoning Commissioner should approve an
interpretation of the proper applicability of Sections 102.2, 250,
251 and 252 when more than one mini warehouse is located on one parcel
in an M.L.R. zone; Variances from Section 250.2, if applicable,
to (1) permit a minimum side yard setback of 6 1/2 ft. instead of
the required 30 ft. and a total sum of 4 1/2 ft. instead of required
80 ft. for Building No. 1714; (2) to permit a minimum side yard
setback of 6 1/2 ft., respectively for each of Building Nos. 1716,
1718, 1720 and 1722, instead of required 30 ft. for each and a
total sum of 13 ft., respectively, for each of said buildings instead
of required 80 ft.; for each, (3) to permit a minimum side yard set-
back of 6 1/2 ft. instead of required 30 ft. and a total of 4 1/2 ft.
instead of required 80 ft. for Building No. 1724 and from Section
250.3, if applicable, to permit a rear yard setback of 30 ft. for
Building No. 1716, a rear yard setback of 39 ft. for Building No.
1718, a rear yard setback of 36 ft. for Building No. 1722 and a
rear yard setback of 34 ft. and 28 ft. for Building No. 1724 instead
of required 40 ft. for each of said buildings, respectively

Being the property of Security Mini Storage, as shown on plat plan filed
with the Zoning Department.

In the event that these Petitions are granted, a building permit may be
issued within the thirty (30) day appeal period. The Zoning Commissioner
will, however, entertain any request for a stay of the issuance of said
permit during this period for good cause shown. Such request must be
received in writing by the date of the hearing set above or made at the
hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCES * ZONING COMMISSIONER
W/S of Belmont Avenue, 1,080' *
S of the centerline of Gordon *
Avenue - 1st Election District * OF BALTIMORE COUNTY
Security Mini Storage, * Case No. 85-72-SPHA

Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to determine whether
building connections are required, and if not, to amend the site plan approved
for the construction of a mini-warehouse by deleting the connections shown.
Further, if such relief is granted, the Petitioner requests variances for side
and rear yard setbacks, as more particularly described on Petitioner's Exhibit
1.

The Petitioner, by Lewis Ruttenberg, its general partner, appeared and tes-
tified and was represented by Counsel. Testifying for the Petitioner was Cicero
Brown, a registered architect. There were no Protestants.

The Petitioner has constructed a mini-warehouse operation on the subject
site, zoned M.L.R. The development plan for the mini-warehouses indicated that
the units would be connected by canopies. The purpose of these connections was
to have the units considered as one building, thereby avoiding the necessity for
setback variances which would be required between the units if each were to be
considered as separate and distinct buildings. In fact, the units were con-
structed without the connectors. The Petitioner now comes and prays that the
development plan be amended to delete the connections and that variances be
granted.

Although testimony indicated that the connectors would serve no structural
purpose and if added now would require the destruction and rebuilding of the

UNDER RECEIVED FOR FILING
DATE September 21, 1984
BY My May Campaign (Chick)

existing units, it is without argument that the original plan showed that they
would be built. It is obvious from the subsequent failure to do so that the
original intent was to avoid the letter of the zoning law which would have, by
requiring variances, delayed construction by as much as three months by mandating
a public hearing. The Petitioner objects to this characterization by explaining
that the original property owner submitted the plans prior to selling the
site to Security Mini Storage and that it was unaware of the necessity to
construct the connections.

The property is basically triangular in shape and is surrounded by commercial
uses although there are residences to the northwest. The variances requested
are to the rear of the property, to the north, and nowhere near the residential
properties. In fact, the rear of the units face an area dedicated to the
County and denoted as a 100-year flood plain. This parcel was originally
part of the entire tract which, when subdivided by the original owner, was
granted by easement to the County. The variances would thus have no adverse
impact.

If the site plan is amended, pursuant to Sections 251 and 252, Baltimore
County Zoning Regulations (BCZR), variances would also be required for side
yards as well as rear yards. As to the side yards, no yard space or minimum
area required for a building or use shall be considered as any part of the yard
space or minimum area for another building or use. Section 102.2, BCZR. Inas-
much as the side yard setback from building No. 1714 to the southern property
line, the side yard setback from building No. 1724 to the northern property
line, and setbacks to the front property line satisfy the zoning laws, no vari-
ances are required.

The Petitioner seeks to amend the site plan approved pursuant to Sections
251 and 252, and if granted, relief from Sections 250.2 and 250.3, pursuant to
Section 307, BCZR.

UNDER RECEIVED FOR FILING
DATE September 21, 1984
BY My May Campaign (Chick)

- 2 -

There is no question that the connections between units is not a mandatory
zoning requirement nor is it here a structural necessity. Therefore, since all
conditions precedent for approval of the site plan in an M.L.R. Zone have been
satisfied and inasmuch as the absence of the connectors would not adversely ef-
fect those conditions, the request to amend should be granted.

An area variance may be granted where strict application of the zoning
regulation would cause practical difficulty to the petitioner and his property.
McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area
variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use
as proposed would not be contrary to the spirit of the BCZR and would not result
in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is
clear that a practical difficulty or unreasonable hardship would result if the
instant variances were not granted. It has been established that the require-
ment the Petitioner seeks relief from here would unduly restrict the use of the
land and due to the special conditions unique to this particular parcel. In
addition, the variances requested will not be detrimental to the public health,
safety, and general welfare.

UNDER RECEIVED FOR FILING
DATE September 21, 1984
BY My May Campaign (Chick)

- 3 -

Pursuant to the advertisement, posting of the property, and public hearing
on this Petition held, and for the reasons given above, the special hearing and
variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,
this 21st day of September, 1984, that the Petition for Special Hearing to
amend the site plan approved to delete the connectors be and is hereby GRANTED
and, additionally, the Petition for Zoning Variances to permit a side yard set-
back of 6 1/2 feet instead of the required 30 feet and a sum of the side yards of
4 1/2 feet instead of the required 80 feet for building No. 1714; a side yard set-
back of 6 1/2 feet instead of the required 30 feet and a sum of the side yards of
13 feet instead of the required 80 feet each for building Nos. 1716, 1718, 1720,
and 1722; a side yard setback of 6 1/2 feet instead of the required 30 feet and a
sum of the side yards of 4 1/2 feet instead of the required 80 feet for building
No. 1724; and rear yard setbacks of 30 feet for building No. 1716, 39 feet for
building No. 1718, 36 feet for building No. 1722; and 34 feet and 28 feet for
building No. 1724 (two rear yard variances are required due to the unique shape
of the property) instead of the required 40 feet be and is hereby GRANTED, from
and after the date of this Order, subject, however, to the following restric-
tions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner must satisfy the concerns expressed by the Current Planning and Development Division, Office of Planning and Zoning, in the Baltimore County Zoning Plans Advisory Committee (ZPAC) comments as to the absence of landscaping required by the originally approved site plan. A letter from Current Planning shall

UNDER RECEIVED FOR FILING
DATE September 21, 1984
BY My May Campaign (Chick)

- 4 -

be submitted to the Zoning Commissioner indicating compliance has been attained.

ARNOLD JABLON
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Charles B. Heyman, Esquire
People's Counsel

UNDER RECEIVED FOR FILING

DATE September 21, 1984
BY My May Campaign (Chick)

- 5 -

JAN 28 1985

EXHIBIT
PETITIONER'S

PLAN TO ACCOMPANY REQUEST
FOR ZONING VARIANCE
#1714-1724 BELMONT AVENUE
ELECT. DIST. 1 BALTO. CO., MD
SCALE 1"=50' OCT. 17, 1983

GILBERT E. FOX
5851-1601 5676-308
5676-803

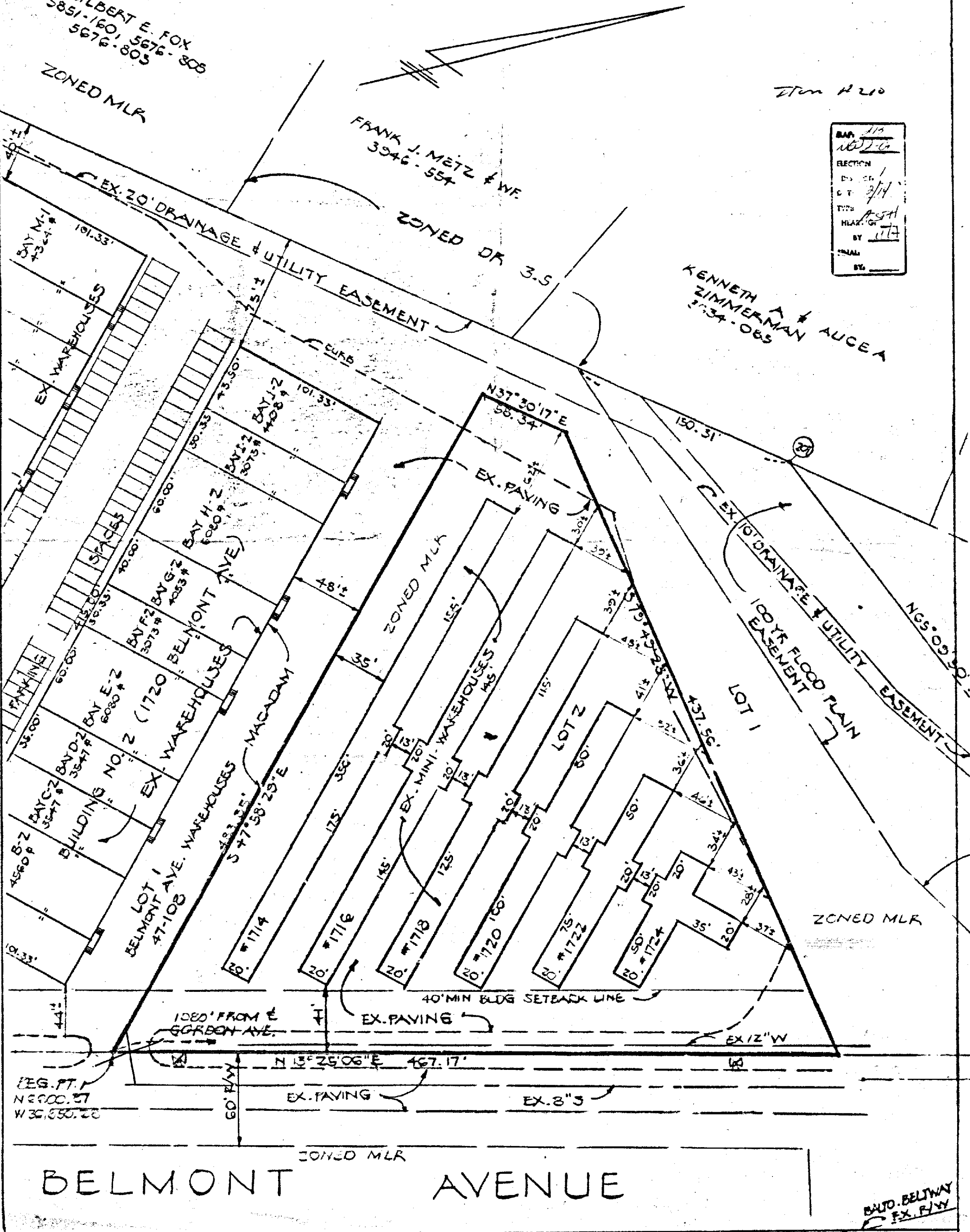
ZONED MLR

FRANK J. METZ & WIFE
3946-554

ETM H 210

DATE	10/17/83
BY	10/17/83
REVISION	
BY	
DATE	
BY	
DATE	
BY	

KENNETH A. ZIMMERMAN AUCEA
3934-065



BELMONT AVENUE

BALTO. BELTWAY
EX. P/W

#5701